

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ADVANCED ACCELERATOR)	
APPLICATIONS USA, INC. and)	
ADVANCED ACCELERATOR)	
APPLICATIONS SA,)	
)	
Plaintiffs,)	C.A. No. 24-1161-MN
)	
v.)	
)	
CURIUM US LLC, CURIUM US)	
HOLDINGS LLC, CURIUM)	
NETHERLANDS BV, and CURIUM)	
INTERNATIONAL TRADING BV,)	
)	
Defendants.)	

STIPULATION REGARDING MOTION TO DISMISS

WHEREAS, on October 17, 2024, Advanced Accelerator Applications USA, Inc. and Advanced Accelerator Applications SA (collectively, “ADACAP” or “Plaintiffs”) filed a Complaint against Defendants Curium US LLC, Curium US Holdings LLC, Curium Netherlands BV, and Curium International Trading BV (collectively, “Defendants”) alleging infringement of U.S. Patent No. 10,596,276 (“the ’276 patent”), U.S. Patent No. 10,596,278 (“the ’278 patent”), and U.S. Patent No. 11,904,027 (“the ’027 patent”);

WHEREAS, the Defendants have advised ADACAP that they intend to seek to dismiss the Complaint on various grounds for failure to state a claim of infringement by Curium US LLC’s submission of a 505(b)(2) application to the FDA;

WHEREAS, given the number of defendants named, and the number of patents asserted, in the Complaint, the Defendants believe that they require additional pages beyond what the Local Rules provide for an opening brief;

WHEREAS, ADACAP and the Defendants have conferred and agreed, subject to the Court's approval, on extended page limits and a briefing schedule;

IT IS HEREBY STIPULATED AND AGREED, by the parties, subject to the approval of the Court, that:

1. The Defendants' Joint Opening Brief in support of their Joint Motion to Dismiss shall be limited to 30 pages.
2. Given special circumstances, ADACAP's deadline to either oppose the Joint Motion to Dismiss or to file an Amended Complaint in response to the Joint Motion to Dismiss shall be December 23, 2024. Should ADACAP file an Answering Brief, it shall be limited to 30 pages. Should ADACAP file an Amended Complaint, Defendants shall have until January 20, 2025 to file their response to the Amended Complaint, and there will be no further briefing on the Joint Motion to Dismiss; provided however, that should Defendants move to dismiss the Amended Complaint, the parties shall coordinate regarding a proposed briefing schedule and page limits regarding such motion.
3. Should ADACAP file an Answering Brief, Defendants' Reply Brief shall be limited to 15 pages and shall be filed on or before January 15, 2025.

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SO ORDERED this ____ day of November, 2024.

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United States District Court Judge